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C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 000649

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SUBJECT: BOSNIA - POLICE REFORM IN DODIK'S COURT

REF: A. SARAJEVO 608

[1](#)B. SARAJEVO 599

Classified By: Michael J. Murphy, Reasons 1.4(b), (d)

[1](#)1. (C) Summary: The fate of police reform in Bosnia-Herzegovina is now in the hands of Republika Srpska (RS) Prime Minister Milorad Dodik. OHR scrapped April 7 plans to table compromise draft legislation with political leaders compromise (Ref A) following Haris Silajdzic's refusal to attend. Ambassador urged political leaders publicly and privately to reach compromise. April 5-6 High Representative Lajcak and Silajdzic finalized a "Compromise Text" for amendments to the draft legislation that are consistent with the Mostar Declaration and reference the three EC principles and a second phase of police reform. The compromise has been presented to Tri-Presidency member Nebojsa Radmanovic. If SNSD accepts the text Parliament could potentially ratify the legislation on April 10. However, Sulejman Tihic has suggested he would invoke a Vital National Interest veto to block the legislation in the House of Peoples. An SNSD rejection of the "Compromise Text" will likely signal the final failure of the police reform, thus shutting the door on the near term signing of an SAA. High Representative Lajcak told Quint Ambassadors, the EC Ambassador and the Turkish Ambassador April 9 that he will publicly blame Dodik if SNSD rejects the text and kills the legislation. Dodik is out of the country and will not return until April 9 at the earliest. Lajcak predicts another political crisis could envelop Bosnia should police reform fail, but conceded that there is no Plan B for reviving police reform or dealing with the fallout from its failure. End Summary

OHR Changes Tactics

2 (C) OHR canceled plans to organize a April 7 meeting (Ref A) of the six signatories of the Mostar Declaration in order to table compromise police reform legislation following the refusal of Party for BiH (SBiH) President Haris Silajdzic to attend. Silajdzic was adamant despite repeated phone calls from and meetings with Ambassador, High Representative Lajcak, and the Turkish Ambassador. Silajdzic noted that he would be politically exposed as negotiating on his principles. However, Silajdzic indicated his willingness to continue private discussions with OHR. Silajdzic claimed he could accept language referencing a second stage of police reform in line with the three EU principles as specified by the Mostar Declaration and the Sarajevo Action plan. (Ref B)

OHR embarked April 5-8 on a shuttle diplomacy campaign with SBiH, Alliance of Independent Social Democrats (SNSD), and Croat parties.

International Community Presses for Compromise

13. (C) Along with private calls to Silajdzic and RS Prime Minister Milorad Dodik, the Ambassador underscored the need for compromise on police reform in an April 8 interview with the daily Dnevni Avaz. The Ambassador pointed out that a police reform compromise was attainable and reminded political leaders that Bosnia must choose compromise and European integration or face isolation. Previously, in an April 3 interview, EC Commissioner for Enlargement Oli Rehn pleaded with Bosnian Leaders to adopt police reform so that the SAA could be signed. In an April 9 Dnevni Avaz interview Slovene Foreign Minister Dimitrij Rupel also noted that an SAA signature was within reach and that no one would profit from blocking the path to Europe.

Silajdzic agrees to Compromise

14. (C) Over the course of three April 5-6 meetings, Lajcak and Silajdzic negotiated amendment language text that would satisfy the requirements of both SBiH and OHR. Silajdzic was insistent on written assurances that Dodik would honor his commitments to the three EC principles and to a second stage of police reform given the January 26 SNSD Main Board conclusions on police reform implying a systematic RS refusal to comply with the first EC principle. After several iterations Lajcak and Silajdzic agreed on a final "Compromise

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Text." They agreed that the text was consistent with the language of both the Mostar Declaration and Sarajevo Action Plan in its references to a second phase of police reform and the 3 EC Principles, but without prejudging the outcome of second phase talks. OHR contacts believe that Silajdzic is prepared to reach a deal now, take the short term political hit from Party for Democratic Action (SDA) criticism, and argue later that he delivered the SAA and opened the door for "real" Constitutional Reform.

Dodik: Call me after the Basketball Game

15. (C) In public, Dodik has repeatedly claimed to be seeking compromise by offering to come to Sarajevo to meet Silajdzic, trying to talk to Tihic, and accepting an HDZ compromise text. (Ref B) However, at a key moment Dodik departed for a visit to Greece and designated Serb Presidency Member Nebojsa Radmanovic to take the lead on police reform. On April 8 OHR envoy Ambassador Josef Pandur presented the "Compromise Text" to Radmanovic and SNSD advisor Slavko Mitrovic. At an April 9 Quint Ambassador's meeting Lajcak told us that while Mitrovic's response was positive, Radmanovic wanted to make changes. OHR replied that the text was in line with the Mostar Declaration and Sarajevo Action Plan. Radmanovic could broker further amendments with Silajdzic, but OHR indicated it would play no role in that process. Lajcak told the Quint that, while Silajdzic has been flexible and responsible, he will publicly hold Dodik responsible should SNSD reject the "Compromise Text" and scuttle a police reform deal. Dodik had planned to return to Bosnia April 9. However, Dodik's staff informed the EC Ambassador that the Prime Minister may delay his return to travel on to Spain to watch a basketball game.

SDA raises VNI Threat

16. (C) Even if a SNSD-SBiH compromise is reached SDA has threatened to block the passage of the police reform laws. At an April 5 SDA Main Board meeting SDA President Sulejman

Tihic suggested he could invoke a Vital National Interest veto in the House of Peoples. This would contradict recent promises to the Ambassador and Lajcak that although he will never support the laws, he would not use VNI to block them. At the April 9 Quint, the Turkish Ambassador offered to intercede with SDA to not block an SBiH-SNSD compromise, if one is reached.

Next Steps

17. (C) The April 10 House of Representatives agenda will include consideration of three different sets of police reform laws. Although they have yet to see a copy, Croat parties have promised OHR to support the "Compromise Text." If SBiH and SNSD agree, House Speakers can vote April 10 to withdraw the three competing bills and table a new draft containing the "Compromise Text" under urgent procedure. With support from SBiH, SNSD, and the two HDZs, Parliament would likely approve the compromise law. A VNI veto in the House of Peoples would remain the sole possible impediment to signing the SAA.

8 (C) If SBiH and SNSD fail to reach compromise, OHR will lobby the House Speakers remove police reform from the April 10 agenda. Although OHR admits that further delay is unlikely to improve the chances of compromise, it will at least preserve the possibility of reaching an agreement. If the police reform laws ultimately fail, Lajcak stated that he will publicly blame Dodik for his failure to accept the terms of the Mostar Declaration while praising the constructive position of Silajdzic. Lajcak admitted that, without the leverage the SAA or the Bonn Powers, he was unsure how to manage the inevitable political crisis that would result from this outcome.

Comment

9 (C) An April 10 police reform agreement is in Milorad Dodik's proverbial court. Dodik is in a win-win situation. He will score political points by supporting legislation that

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secures the SAA while effectively ending the Police Reform process. Alternately, he can blame the Bosniaks for the failure, particularly Tihic's decision to abandon the Mostar Declaration, and return to rhetoric about Sarajevo holding the RS back. Ironically, this outcome would also vindicate Tihic's accusations that Dodik and the Serbs are not negotiating in good faith and are not serious about the EC principles or a second phase of police reform, a view shared by most Quint members. Should Dodik refuse the compromise it will be important that the international community unite behind a public diplomacy strategy that minimizes the political damage and limits Dodik's ability to exploit it as part of his ongoing campaign to undermine the state. End Comment

Text of Final OHR-Silajdzic "Compromise Text"

10 (SBU) Begin Text of Final OHR-Silajdzic "Compromise Text"

Article ...

(Transitional Provisions)

(1) The local level, as part of the new, single police structure of BiH; relevant matters of relationship between bodies established by the present Law and local police bodies; as well as other details of the police structure shall be regulated after the reform of the Constitution in accordance with the three principles of the European Commission and through the two fundamental laws: the Law on Police Service of Bosnia and Herzegovina and the Law on Police Officials of Bosnia and Herzegovina.

(2) Laws from paragraph 1 of the present Article shall be based on the relevant provisions of the Constitution of Bosnia and Herzegovina and shall be adopted no later than one year after the adoption of the Constitution of Bosnia and Herzegovina.

End Text of Final OHR-Silajdzic "Compromise Text"
ENGLISH